

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD IPPOLITO,

Plaintiff,

-against-

ANDREW SAUL, *Commissioner of Social Security*,

Defendant.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 3/10/2022

20-cv-4806 (MKV)

**ORDER ADOPTING R&R**

MARY KAY VYSKOCIL, United States District Judge:

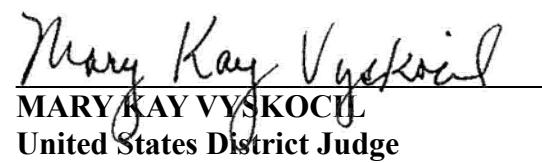
Richard Ippolito commenced this action against the Commissioner of Social Security, seeking review of the decision of an administrative law judge, dated December 12, 2018, finding Ippolito ineligible for disability insurance benefits, pursuant to Title II of the Social Security Act, 42 U.S.C. §§ 401-43. The Court referred the case to Magistrate Judge Fox [ECF No. 7]. The parties submitted cross-motions for judgment on the pleadings, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure [ECF Nos. 24, 25, 27, 28]. Magistrate Judge Fox issued a Report and Recommendation [ECF No. 29]. He recommended that the Court deny the Commissioner's motion for judgment on the pleadings, grant Ippolito's motion for judgment on the pleadings, and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g). No party timely filed any objections Magistrate Judge Fox's Report and Recommendation, nor has the Court received any untimely objections as of the date of this order.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court reviews a report and recommendation to which no objections are filed for clear error. *See* Fed. R. Civ. P. 72; *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018); *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y.

2006). The reasoning and conclusions of Magistrate Judge Fox's Report and Recommendation are sound and well-supported, and the Court, therefore, adopts them. Accordingly, the Commissioner's motion for judgment on the pleadings [ECF No. 27] is DENIED, Ippolito's motion for judgment on the pleadings [ECF No. 25] is GRANTED, and this case is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g).

**SO ORDERED.**

**Date: March 10, 2022**  
**New York, NY**

  
MARY KAY VYSKOCIL  
United States District Judge